

City Council Chamber, City Hall, Tuesday, October 25, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 25, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Addie Wiseman M. J. Khan, Pam Holm, Adrian Garcia Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director, present. Council Member Ada Edwards out of the city on city business.

At 2:07 p.m. Mayor White stated that Council would begin with presentations and invited Congressman Kevin Brady to the podium; and Congressman Brady appeared at the podium and stated that there were many untold stories during Hurricane Rita and one he would highlight today; on the night of the hurricane when his community was sheltering people and short on security he called the Mayor and with the Police Chief about 20 officers helped; that they also provided them tankards of fuel, diapers, food, water, etc., to eight communities in four counties; that Houston cared in words and deed and helped people 100 miles away; and presented Mayor White a Proclamation from the U. S. House of Representatives in recognition of emergency supplies provided to East Texas Communities throughout the Eighth District; and Mayor White stated in giving recognition to him it was really on behalf of so many millions of people in his great community who mobilized so much; that he thanked the team of people and non profits who were extraordinary and introduced those present who were in charge; and thanked Congressman Brady for his efforts also. Council Member Berry absent.

Council Member Garcia invited the Houston City Slickers to the podium and stated that there was a tremendous effort to promote health in Houston and those present today were the Houston Soccer Team who had many victories; and presented them a Proclamation for their efforts in promoting fitness, health, teamwork and sportsmanship; and proclaimed October 25, 2005, as "Houston City Slickers' Day" in Houston, Texas; and the team presented Mayor White with a jersey and team jacket. Council Member Berry absent.

Council Member Quan stated that every year the Houston Texans had a corporate combine; that the average playing career of an NFL player was less than three years and the Texans took time to introduce players to opportunities in the community and he was pleased to have Mr. Garrick Jones, a Texan lineman, present and also Mr. Kailee Wong, a Texan linebacker, would have been present but because of injuries could not; and invited Mr. Jones to the podium; and presented Mr. Jones a Proclamation recognizing, congratulating and commending him; and proclaimed October 25, 2006 as "Garrick Jones Day" in Houston, Texas; and Mr. Jones thanked all for being supportive of the program. Council Member Berry absent.

Council Member Alvarado stated that she had two presentations and one was in conjunction with the Planning and Development Department recognizing those who participated in the Neighborhood Leadership Institute, this was their sixth graduating class and it brought community leaders together with individuals and taught them how to advance causes in their areas and invited Mr. Donald Perkins and the institute graduates to the podium. Council Member Alvarado stated that all had received Certificates previously, but they would take a group picture. Council Member Berry absent.

Council Member Alvarado stated that the next presentation would be to the City of Houston and invited Ms. Joanne Hook, president of the Alexander Love Chapter of the Daughters of the American Revolution and those with her to the podium; and Ms. Hook stated that it was her honor and the honor of her chapter to present to the City of Houston the Texas Historical Commission Certificate designating Houston Founders' Memorial Park Cemetery; that she was inviting all to their celebration this Saturday at the Houston Heritage Society; that the dedication of their medallion would be in 2006 and they hoped the Mayor and Council would look forward to attending the historic occasion. Council Member Berry absent.

Council Member Quan stated that Ms. Hooks and her husband had done a lot for the City of Houston and Founders' Cemetery was in need of repair and the headstones that were there were for very distinguished people and he thanked them for their work. Council Member Berry absent.

At 2:37 p.m. Mayor White called the meeting to order and called on Council Member Lawrence who led all in prayer and pledge. Council Member Berry absent.

At 2:39 p.m. the City Secretary called the roll. Council Member Edwards out of the city on city business. Council Member Berry absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION ADOPTED.

Council Member Quan moved that the rules be suspended for the purpose of hearing from Mr. David Tieh as the first speaker, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2005-1009 ADOPTED.

Council Member Galloway moved that the rules be suspended for the purpose of hearing from Ms. Effie Hackett Williams after Mr. David Tieh, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2005-1010 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing from Ms. Kim Falls as the first three minute Non-Agenda speaker, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2005-1011 ADOPTED.

Mr. David Tieh, 417 Travis, Houston, Texas 77002 (713-562-3908) appeared and stated that in recent days those in Chicago have said they make the best pizza in the world and that was not the case; that he owned Frank's Pizza, a few blocks from Minute Maid Park and presented the Mayor and Council with a pizza which spelled out Astro's. Council Member Berry absent.

Council Member Quan stated that if there was any doubts samples were behind the Chamber. Council Member Berry absent.

Council Member Garcia thanked Mr. Tieh for coming and for supporting the Astro's. Council Members Green and Berry absent.

Council Member Lawrence thanked Mr. Tieh for coming and stated that they liked his cap and his spirit and appreciated all his restaurant did for the city. Council Members Green and Berry absent.

Ms. Effie Hackett Williams, 5914 Bretshire, Houston, Texas 77016 (713-631-3573) appeared and stated that she was present to speak on behalf of the Northeast Multi Purpose Center and to say that Council Member Galloway was all they would have hoped for in her district with all that she had pushed hard for in their area and the multi purpose center was one; that this was a longtime coming and they were excited about the new facility, but they wanted to emphasize it was not time to reduce facilities and thanked the Mayor and Council for their support. Council Members Goldberg, Holm, Ellis, Quan, Green and Berry absent.

Council Member Galloway stated that she knew they met with an Advisory Committee and

outlined and surveyed what they wanted with the auditorium housing at least 300, but she did not know the size of that and the one in Kashmere held up to 250 or 260; and hopefully her colleagues would support the item tomorrow. Council Members Goldberg, Holm, Garcia, Ellis, Green and Berry absent.

Mr. James Leonard, 5506 N. Wayside Drive, Houston, Texas 77028 (713-675-9300) appeared and stated that he was representing the New progressive civic club of Settegast and the Houston North Forest Chamber of Commerce and they were well represented by Council Member Galloway and for that they were proud, but they were interested in having their own multi purpose center and wanted the Mayor and Council to live up to their promise and make it a reality. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway thanked Mr. Leonard for coming and stated that she knew the Settegast community really worked with the committee as to what they wanted to see, it had been on the books a longtime and she knew her colleagues knew how important it was to them and groundbreaking would be soon and they would notify the community. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Leonard for coming; and upon questions, Council Member Galloway stated that there was no county multi purpose center at all; and Council Member Quan stated that he wanted to dispel the myth that there was duplication of services being offered to them; and Mr. Leonard stated that there was no such center; and Council Member Quan stated that the center was long overdo and he did plan to support Council Member Galloway on the item. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Quynh-Ann McMahan, 770 South Post Oak Lane #525, Houston, Texas 77056 (713-629-9022) appeared and stated that as a volunteer of Coalition for the Homeless of Houston and Harris County and as a supporter of the assistance ministries which serviced families day in and day out she was asking for Council's support of CDBG funding for the Neighbors Helping Neighbors Program which was critical in housing and support services to at least 75 evacuee families; and urged support of the item. Mayor White, Council Members Lawrence, Galloway, Goldberg, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he believed in the Coalition for the Homeless and their work, but his concern was alternate funding that might be available; that they had approximately 14,000 homeless in the streets of Houston nightly and that was before Katrina and since then more; that they were spending dollars the City of Houston was given to address their own needs and citizens had been very generous in giving millions of dollars to the Katrina and Rita victims and his concern was how they would access the money to see that it went to the Katrina and Rita victims; that this program would help, but why were they sitting on \$5,000,000.00 to \$6,000,000.00 designated for those groups and taking away from Houstonians; and Ms. McMahan stated that she could not say why the money had been sitting around but the ministries had been striving to get funding to support those families and if the CDBG was approved it would make up the remaining funding from what had been raised; and Council Member Quan stated that he was in contact with the chairman of the Katrina/Rita Fund and he would be working with him to have a meeting and explain to community organizations how they could access the \$5,000,000.00 to \$6,000,000.00 available to Katrina/Rita Programs and he would be in touch with her. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles X. White, 8607 M.L.K., Houston, Texas 77033 (713-734-4370) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Bill Lawton, 6612 Southbrook, Houston, Texas 77007 (713-643-3126) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Carol Little, 1555 Kuykendahl, Houston, Texas 77093 (281-885-4577) appeared and stated that she was executive director of the Northwest Assistance Ministries who last year served over 160 zip codes and assisted over 100,000 individuals; that their mission was to provide basic human needs through Neighbors Helping Neighbors and before Katrina helped 9,000 Houstonians on a monthly basis, however, since Katrina numbers have changed dramatically and over 9,000 had been served in the last eight weeks; that prior to Katrina the primary goal was to keep Houstonians from being homeless; that today she was present urging the Council to assist them in their efforts so they would not have to share the money they had for Houstonians, but still help victims; and invited Ms. Ackie Donsereaux who was with her to speak. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved that the rules be suspended for the purpose of hearing Ms. Ackie Donsereaux to speak, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1012 ADOPTED.

Ms. Ackie Donsereaux stated that she would also ask that the Council support Ms. Little; that she was from Louisiana and a victim of Katrina and while other resources were available she spent weeks trying to get to them and the first one who helped her was Northwest Ministries; and she urged their assistance. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that at the committee meeting questions came up about Houstonians needing rental assistance when they were being put on the street; and upon questions, Ms. Little stated that was their number one service, to keep Houstonians from being homeless; and Council Member Quan stated that County Judge Eckles came up with a plan to reimburse shelters who were otherwise not qualified for assistance; and upon questions, Ms. Little stated that they had not applied for reimbursement as they were supported for the most part in the form of donations; and Council Member Quan stated that they worked hard with FEMA to get the reimbursements approved and it seemed they would qualify and then money would not have to be taken from other city programs; and Ms. Little stated to be reimbursed you had to have the funds to expend and they were speaking of a half million; and Council Member Quan stated that he was willing to work with them. Mayor White, Council Members Galloway, Goldberg, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Dorothy Dodson, 5859 Hironde, Houston, Texas 77033 (713-733-8734) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Goldberg, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Anthony Love, 1301 Travis, Houston, Texas 77002 (713-739-7514) appeared and stated that Council had heard from the Ministry and Neighbors supporting Neighbors Program and Houston had been a model on helping, providing assistance and housing; that last Tuesday

the Neighborhood Housing and Redevelopment Committee approved a contract to assist families affected by Hurricanes Katrina and Rita and this would help with rental, utility assistance and job placement as even those helped by FEMA did not know how long that would last; that the Housing Department had a unique opportunity to reallocate funds to meet needs and as opposed to putting the funds back in the pot he requested that they be allowed to reallocate funding to prevent families from being without a home. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado thanked Mr. Love for all that he and his organization did. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sherri Cabler, 404 Oxford #1203, Houston, Texas 77007 (713-203-3578) appeared and stated that she was executive director for Inner Faith Caring Ministries and they provided financial assistance to those in the greater Houston area; that prior to recent weather events she saw 15 people a day, about 60 a week, the week of August 29th they interviewed and provided assistance to almost 600 and in 6 weeks served over 4,000 people which was more than they saw in a normal 6 month operation period; that initial assistance was food, gas and clothing and when they identified the magnitude of need they quickly moved to identify locations suitable and within 72 hours acquired a facility and within 4 hours after had shelves assembled and stocked; that they continued to see hurricane victims but their needs had changed to furniture, rent assistance, etc.; and local clients had doubled. Council Members Lawrence, Goldberg, Wiseman, Ellis, Quan and Berry absent.

Ms. Kim Falls, 1919 Runnels, Houston, Texas 77003 (713-233-0490) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Goldberg, Wiseman, Ellis, Quan and Berry absent.

Ms. Cynthia Finley, 3110 Tidwell, Houston, Texas 77093 (713-674-8898) appeared and stated that at Macedonia Outreach and Career Center they were having an overflow of individuals who came to them and who they were helping get back together and working as individuals; that they wanted jobs, training, somewhere to stay and one was with her today; that they made sure Houstonians were well served and now they had more coming to them for help; and asked that the person with her be allowed to speak; and the speaker stated that on behalf of Louisiana many were in need of high school diplomas and job training and she had a diploma and would like job training; that this agency was willing to help and she would be happy to attend if the city would help. Council Members Lawrence, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she had visited that facility, as she expressed in Council last week, and they had a wonderful program; that she commended them and thanked the Mayor for placing it on the Agenda and was sure her colleagues would be in support. Council Members Lawrence, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mrs. Alvin McCree, 4406 Brinkley, Houston, Texas 77051 (713-733-0923) appeared and stated that she was sorry Council Member Edwards was not present, but she mailed pictures of her situation near her home to her and the Mayor and it was concerning weeds and dumping; that two vacant lots were near her driveway and she was 5'9" and weeds were taller than she was; that she tried for three years to get it taken care of and still nothing was done; that a fire hydrant was there and you could not see it; that last night someone brought a car there and set it on fire; and Mr. Nugent was out earlier in the morning and she had talked with Mr. Norman and he promised he would see what he could get done. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that what he could not figure out was, he remembered this; and upon questions, Ms. McCree stated that no one had done anything to the lots in the last six months, no one had done anything for three years; and Mayor White stated that he remembered calling himself on this; and upon questions, Ms. McCree stated that the address of the lots she thought were 4402 and 4404 Brinkley; and Mayor White stated that he thought he called those in himself and he received something saying an inspection was made on July 18, 2005, and correction due by July 31, 2005, and he did not want such memos saying something was fixed, there could only be two things which was someone working for him was lying to him and in which case appropriate action would be taken or they were looking at the wrong lots and he would give this to Mr. Fontaine to get on. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis and Berry absent.

Council Member Galloway stated that she did sympathize with her; that many seniors were subjected to repeat tags placed on properties which were never cut for two to three years and it was dangerous living next to weeded lots; that she was glad she brought it to the Mayor's attention; that there were so many she could show him and she was also glad he saw what type of report he received; and Mayor White stated that he thought they could do something quick and asked Mr. Fontaine to check on tax delinquencies on the properties; and Council Member Galloway stated that the majority were delinquent and liens had been placed as the city had been cutting them for many years; and Mayor White stated that he knew they could not do everything and had a lot of catching up to do, but he wanted to know what first generated this complaint as he remembered these personally; and he would not say employees should be fearful of him, but when they received a memo from him he wanted them to know he knew what he was talking about and wanted them worked on. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Marilyn Pickaree, 6819 Cood Road #1308, Houston, Texas 77022 (281-879-9630) appeared and stated that she had worked in the nursing profession for 20 years and her message was regarding Celebrex; that she had been trying to settle her medical circumstances with controversy surrounding Celebrex to no avail for four years and she found it difficult to locate an attorney to represent her against them; and pleaded to the legal community to get in touch with her. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Anthony Collins, 6202 Star Lake, Humble, Texas 77396 (281-548-0979) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Michael Black, 12707 Sandi Lane, Houston, Texas 77077 (713-824-1258) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. John Mezick, 1811 Ruiz, Houston, Texas 77002 (713-283-9518) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joe Jordan, P. O. Box 640, Kemah, Texas 77565 (713-680-3181) appeared, presented information and stated that he was president of the Limousine Association of Houston and was present with a request; that their members had vans and mini buses which could be used in case of another hurricane evacuation and they were requesting one of their

representatives be put on the evacuation and review committee as they would like to be a part of it; that they would also like changes in the limousine ordinance such as extending the age of towncars and taxis, the extra year was needed to amortize the cost of the cars; that they would like to see more enforcement against solicitors at Intercontinental and see a wider selection in luxury cars being able to be made into stretch limousines; that they also felt standard cars should be cabs and luxury cars and limousines with a fair distinction; that he was also opposed to door to door super shuttle service as it was harmful to the taxi and limousine industry; that in the recent limousine ordinance they were not able to give price concessions for airport transfers to hotel and convention centers during large conventions and it hurt Houston's ability to attract business and convention venues and they would like that added and they would also like to grandfather one car operators to slowly expand their fleet; and asked that those suggestions be considered with any upcoming transportation changes. Council Members Lawrence, Ellis, Green and Berry absent.

Council Member Sekula-Gibbs thanked Mr. Jordan for coming and offering services in terms of evacuation; and on the Evacuation Review Committee there was discussion whether the city would have a separate one or work with the state; and upon questions Mayor White stated that there was a place on the website where people could register comments; that he Governor Perry and Judge Eckles had formed something on fuel for highways and traffic control on highways and he felt that would be the best vehicle and they would define local resources that would be used in which case he thanked Mr. Jordan for talking on behalf of the Limousine Industry, but he felt this was something where maybe they could do something so things would not overlap with the taskforce and perhaps it was something that could be done with someone or somewhere in Commissioners Court where it could be joint; and Council Member Garcia stated that he would be more than happy to get details and coordinate with the Mayor on the best way to roll that out; and Council Member Sekula-Gibbs stated that various people had offered transportation services, even helicopters, and she would like a formal way to put that in besides the website; and upon further questions, Mayor White stated that he was thinking it would be appropriate to be with public safety and maybe even explore something within a three county area. Mr. Jordan stated that they could get an E-mail to 300 companies who he was sure would volunteer services in a similar situation and there would be a meeting tomorrow at the Hilton Hotel of the Americas at 9:00 a.m. on this. Council Members Lawrence and Green absent.

Ms. Tillie Brownlow, 4730 Pinemount, Houston, Texas 77092 (832-723-2007) appeared and stated that she was speaking on behalf of the homeless; that she kept hearing about Louisiana, but she had been in Houston 47 years and homeless and she could not see how someone from Louisiana could just come and get a voucher; and was asking for housing assistance. Council Members Lawrence and Green absent.

Upon questions by Mayor White, Ms. Brownlow stated that she did not have a job and was filing for disability because of health reasons; and Mayor White stated that he would ask Ms. Dillard to take her information; that there were programs available for people with disabilities seeking housing, but the bad news was the federal funding of that was capped a long time ago and had a long waiting list. Council Members Lawrence and Green absent.

Ms. Shirley Williams, 3641 N. MacGregor, Houston, Texas 77004 (713-527-8363) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Green absent.

Ms. Anthony Banuelos, 6511 Narcissus, Houston, Texas 77087 (713-649-2347) appeared and stated that she was a widow and had a heart attack; that she went to a Building Standards Hearing as her car port was almost falling, but they said her house was in danger of falling down and she had to leave within 48 hours; that her house was not beautiful, but it was not falling, it had all its walls and windows and no holes in the roof; that she had no money to go anywhere and did not want to be homeless; that she was not to worry and did not want to leave her home;

that it was not dangerous and why did she have to leave. Mayor White, Council Members Lawrence, Holm, Garcia and Green absent. Mayor Pro Tem Alvarado presiding.

Upon Council Member Quan stated that he knew her area; and upon questions, Ms. Banuelos stated that she had a hearing before as she had a two car garage, but she had that knocked down and now there was a car port there falling; that her last hearing was October 19th and that was when they said she had to leave within 48 hours and even the person who went to her house from the Housing Authority said he worked with dangerous buildings and her house did not seem to be falling apart. Mayor White, Council Members Lawrence, Holm, Garcia and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that her office had intervened in this and she was sorry Ms. Banuelos had to come to Council; that Housing had gone and made an assessment and was determining her qualification for funding, but she was concerned about being thrown out and that was such a bureaucratic process, they were told by representatives of the department that would not be happening anytime soon; that she felt the best thing would be to work through the process and her office was monitoring it daily to make sure due process was applied; and Ms. Banuelos said that Mr. Greg Mackey, the one in charge of the hearing, said she had to leave her house in 48 hours and whatever was said in the hearing still went; and Mayor Pro Tem Alvarado stated that she was not questioning that but since her office had intervened the process was as she had described which was assessment, qualifications for funding; and Council Member Quan stated that he was glad Mayor Pro Tem Alvarado was handling it and would recommend private sector initiatives as a source to help; and Mayor Pro Tem Alvarado stated that they did good work and she would provide the information to Ms. Banuelos. Ms. Banuelos stated that she wanted to know how long she had as she was supposed to stay calm or she would have another heart attack and she did not want to lose her home or have a heart attack; and Mayor Pro Tem Alvarado stated that they would continue to work with her and monitor the department to make sure there was not some sudden request for her to vacate her house; that Mr. Norris Davis was present and standing behind her and he would look at her notice at this time. Mayor White, Council Members Lawrence, Galloway, Khan, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Douglas Nichols, 2418 Broad, Houston, Texas 77521 (no phone) appeared and stated that people were trying to kill him because of a talent show he did not want to be a part of; that he had lost all because of the situation and was asking for support. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Shannon Hudson, 5007 Higgins, Houston, Texas 77033 (713-734-4436) appeared and stated that she had to evacuate during the hurricane and made sure her supervisor knew; that she left Wednesday and Monday her lights were back on and she returned Tuesday at 4:00 a.m. and those at her job wanted her to transcribe in place of someone else at 6:00 a.m., but they had traveled 12 hours and she was too tired; that she did show up for her own shift, 3:00 p.m. to 11:00 p.m., and worked that day; that she also worked all day Wednesday and then Thursday she was fired because she had not come in to work for the other person Tuesday morning; that now she was unemployed for one month and they were blocking her unemployment and she did not know where to go or what to do. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. Hudson stated that she worked at St. Joseph Hospital; that she had not come in early Tuesday to work another person's shift, but did show up for her shift; that she went to TWC to file unemployment and was told St. Joseph was trying to block it and she was not eligible for any other assistance; and Mayor Pro Tem Alvarado stated that someone from Citizens Assistance would speak with her and perhaps they could refer her to her state representative or member of congress and maybe they could cut through



some bureaucracy on the unemployment issue. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Tammie Kasprzak, 122 E. Rittenhouse, Houston, Texas 77076 (832-368-0649) appeared and stated that she was present because of five tickets she received due to an officer who came to her home with a city inspector; that they said there was junk in her backyard and that was no lie, she had asked her husband to get rid of it for years, this started in February and did not end until August and still was not sure if it was over, but the tickets written on her did not have the objects in the yard, it was bogus and they had wanted revenge on her because she went to file charges on them for harassment as she had been dealing with this so long; that she thought there should be higher standards for city workers and higher standards for someone calling the dog pound out on you, they did that to her from the Mayor's Office, but someone intercepted it because he never contacted her and she called 311 with no help; that her son was bipolar and she took him to the hospital emergency room as he had done an overdose and then they called CPS and they should also have higher standards. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated there was an Office of Inspector General and if she felt a city employee had acted improperly she could file a complaint there and it would be investigated; and Mayor Pro Tem Alvarado stated that would be her suggestion as well; and Ms. Kasprzak stated that two days ago she tried to kill herself because of all this and getting no help from the city. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Kenneth Young, 5771 Heron, Houston, Texas 77033 (713-447-7773) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was Ali; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 4:02 p.m. City Council recessed until 9:00 a.m., Wednesday, October 26, 2005. Council Member Edwards out of the city on city business. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis and Green absent. Mayor

Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 26, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 26, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:33 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:41 a.m. Mayor White reconvened the meeting of the City Council. Council Member Garcia absent.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item No. 23 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-1013 ADOPTED.

23. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2005, and such other actions as required by law – was presented.

Council Member Wiseman stated that she would tag Item No. 23, and Mayor White stated that the item was not taggable as had been indicated at the Council briefing for weeks on end because of the time in which they got the HCAD, accurate numbers and number of hearings and thought it had been covered at Council briefings.

Council Member Wiseman moved to override the decision the Chair, seconded by Council Member Sekula-Gibbs.

Mayor White stated that the tag rules did not apply to matters that would be made moot which was why Council was briefed that the item would not be taggable.

Council Member Wiseman stated that the motion was not a motion to override the tag, it was a motion to override the ruling of the Chair, which could be done by a majority vote, that it would take eight Members of the body to vote to override the ruling of the Chair and that decision then would stand so the ultimate authority was with the collective body and that was the purpose for the motion, to override the decision of the Chair, that the Chair had stated that tagging the item to delay it a week would render it moot, that if she was to understand correctly the action that they were being asked to take, to set the tax rate, would be set automatically by default, if they did not take action on it today it would be automatically, by default, set at the effective tax rate, so it would not be rendered moot, the tax rate would be set, that amendments would be offered at the Council table to the main item, there would be efforts to tag those amendments and then to state that by doing so it would not render those motions moot when indeed it would, so if they were going to follow that policy that tagging it would render it moot, then it had to be applied to the motions that were made to amend it as well, because tagging those motions would render those motions moot.

Mayor White stated that the Chair had the ability to explain the Chair's ruling, that first the motion to override the Chair was a motion and would be treated as a motion to suspend Council rules, and Council rules specified that matters could be tagged, and that tag procedure would not apply to matters rendered moot, the item that was on the agenda, the proposed ordinance, the recommendation, which was unanimously voted on several weeks ago by Members of Council, would be rendered moot.

Council Member Wiseman stated that she was reclaiming her time and stated that she disagreed with Mayor White.

Council Member Garcia asked for a point of order and Mayor White stated that the point of order was sustained.

Mayor White stated that Council Member Wiseman could continue, and Council Member Wiseman stated that she would yield to Council Member Sekula-Gibbs.

Council Member Sekula-Gibbs stated that she would move to amend Agenda Item No. 23 as follows:

"I propose to cut the current 65 cents/\$100 valuation by 0.828 cents to a rate 64.172 cents/\$100 valuation".

Council Member Alvarado requested a point of order and stated that there was a motion on the floor, and Council Member Sekula-Gibbs stated that she was claiming the time yielded by Council Member Wiseman.

Council Member Wiseman stated that she would withdraw her motion to override the Chair and release her tag on the main item and yield the floor to Council Member Sekula-Gibbs.

Council Members, Mayor White stated that the only germane discussion at the time was a motion to reconsider and the Chair would address that issue and explain the Chair's ruling when Council Member Wiseman's time had expired.

Council Member Wiseman stated that she was reclaiming her time and stated that the pending issue was the motion to override the Chair, that she could withdraw her motion and also with that motion withdrawn at any time then they could make motions to pending motions, when she withdraws her motion then the pending motion was the main item, so at this time she would withdraw her motion to override the Chair and withdraw her tag on the main item and submit a motion "to adopt the affective tax rate of .64173, and that motion was in order, seconded by Council Member Sekula-Gibbs.

Mayor White stated that Council Member Wiseman's time had expired, and the Chair was recognizing various people, and Council Member Wiseman asked Mayor White if he was not recognizing her motion and Mayor White stated that her time had expired, and Council Member Wiseman stated that she would tag the main item and moved to override the Chair.

Mayor White stated that at this time he would say that Council Member Wiseman had withdrawn her motion and the bell rang and her time had expired, and recognized Council Member Ellis, and Council Member Ellis asked where they were.

Council Member Sekula-Gibbs stated that Mayor White had to accept everything.

Mayor White stated that this was where they were procedurally, Council Member Wiseman had made a motion to override the Chair, and withdrew that motion, the time expired and she attempted to make another motion, that they were back to the main item, and Council Members Wiseman and Sekula-Gibbs tagged the main item.

Council Member Alvarado moved to override the tag, that the item was not taggable.

Mayor White stated that he had just recognized Council Member Ellis and stated that it was unclear what somebody was tagging and he had already ruled that the main item was not

taggable.

Council Member Sekula-Gibbs moved to override the Chair.

Mayor White stated that a motion to suspend the rules had been withdrawn.

Council Member Wiseman requested a point of order.

Mayor White recognized Council Member Wiseman on a point of order, and Council Member Wiseman stated that the point of order was to state that an item could be tagged at any time before the vote was held, and it could be tagged when other motions had been made on that motion, and would include motions that had been withdrawn and Council Members could tag an item at any time, whether they had the floor or not, they could tag the item and that was why she had tagged the main item and understood that Council Member Sekula-Gibbs was tagging the main item also.

Mayor White stated that there was a tag that was recognized on the main item, a point of order to the tag was sustained and now he would recognize Council Member Ellis.

Council Member Ellis asked if Mayor White was ruling that Council Member Wiseman was out of order and Mayor White stated yes, that they would speak, one at a time, in the order that people had sought recognition.

Council Member Wiseman stated that she had made another point of order and stated that her colleague, Council Member Sekula-Gibbs, had not only also tagged the item but called for a motion to override the Chair and it was separate from the motion that she had called.

Council Member Sekula-Gibbs stated that she had not withdrawn her motion.

After further discussion, Council Member Alvarado requested a point of order and Mayor White stated that the point of order was sustained and he would give the basis for that, that people had the right to tag items upon recognition, as they had done in the Council, that currently he was not contesting and would recognize people in time and would recognize people on point of order which would take precedence, would recognize Council Member Ellis, that they had to talk one at a time, that the question was that a Council Member's time had expired, he recognized the next Council Member in the order of recognition, that people just could not sit around the table and shout out motions, that motion would occur if Council Member Sekula-Gibbs wished to do it, a motion to do something, within the time period called for, and recognized Council Member Ellis.

Council Member Ellis offered the following written motion to amend Item No. 23:

"Motion by Council Member Ellis to amend agenda item 23 of the October 26, 2005 City Council agenda: Ordinance providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2005, and such actions as required by law.

The proposed overall tax rate of \$.6475/\$100 of assessed value must be apportioned between Maintenance and Operations (M&O) and Interest and Sinking Fund (I&S). The M&O rate is \$.18391/\$100 of assessed value which, when combined, equal the total tax rate of \$.6475/\$100 of assessed value.

Therefore, it is recommended that City Council adopts a 2005 tax rate for Maintenance and Operations of \$.46359/\$100 of assessed value and a tax rate for the Interest and Sinking Fund of \$.18391/\$100 of assessed value."

Council Members Wiseman and Sekula-Gibbs stated that they would tag the amendment.

Mayor White stated that he would sustain the point of order on the tag on the following grounds, that the item would be rendered moot if it were tagged and in the normal Council rules, where people had an opportunity to make amendments, when those amendments could have been made and those amendments were made on the last week following a tag week on the item, those amendments could be tagged, in this case there would be no proper time to make an amendment except at this hearing and because it would be rendered moot then those items, under the Council rules on tags and the terms of the Council rules, that tags that rendered items moot they could not tag an item that would rendered it moot, so the point of order was sustained, the item was not taggable.

Council Member Edwards asked what would be the impact on the City budget and services to the City, and Mayor White stated that the City services would be reduced, that it would amount to approximately a \$3 million reduction in the funds available for Maintenance and Operations, that because of the nature of it and because the tax rate was set in the budget, which was passed by an overwhelming vote, they would identify those City services to be reduced, and Council Member Edwards stated that she was concerned about reducing services, especially when they were not really clear what they were going to do with flooding, after the \$50 million for three years, that had been identified as taken out, where was that money coming from, that they had a Fire Department that they now just gotten the contract ratified that they had to deal with and they still had the pension issues and were they the only municipality that was looking at cutting taxes, were HISD or the County looking at cutting taxes, and Mayor White stated that the tax rate cut and the increases in senior exemptions, just in his administration and over a five year period was about \$50 million on tax cuts that they had done on the property taxes, that he did not know of anything like that in the school districts or the County, and Council Member Edwards stated that she wanted to ask her colleagues, who were so anxious to cut taxes so that the County could shine, were they going to fight for the County to take care of their business in the districts if the City was going to cut their services.

Council Member Galloway asked if there was some unforeseen reason that they would not pass the tax rate today, what were the repercussion that the City would have, and Mayor White stated that if the main item did not pass then they would have significant cuts in public safety expenditures, and cuts in programs that every Council Member had voted for, which were set forth in the budget, which was approved in a lopsided vote.

Council Member Alvarado stated that she thought what Council Member Ellis had proposed was a reasonable proposal, that it did not take them to where they wish they could be but realizing the financial constraints that they had she was sure that the City's financial advisors had taken a look at how they were going to get there, and asked what did it mean at the end of the day, and Mayor White stated that because it was sort of inconsistent with the budget and also the recommendation which was approved unanimously by City Council two weeks ago, there needed to be a quality process but what he would recommend, based on what he knew, was that there were some amounts that had not been programmed that were available for the road and street construction that were not in the CIP and were larger than potholes, etc., and thought they could minimize any impact on the public with the cut in the tax rate suggested by Council Member Ellis, that they should remember that they had to add something like that not just for one year but for multiple years, so he thought there would be some Operation and Maintenance expenditures but thought it could be done without compromising either the type of things that were immediate like potholes or the Capital Improvement Program but public safety, but that was all that could be done because of the nature of those uncommitted funds, other than that, since two thirds of the budget, after Debt Service, was spent on public safety it would have to come out of public safety.

Council Member Holm stated that she needed some clarity, that it was a really important item for them and her and some of her colleagues frustration was that they were addressing it

this morning and to the best of her knowledge it was not taggable and it was the first time they could amend, discuss or do anything, that she heard that two weeks ago it was passed unanimously, she thought that what was passed unanimously was to change the schedule and time, was that an appropriate time to discuss it, when should have it been discussed, when should they be able to make a rationale decision, and Mayor White stated that as far as process, that they had in their budget discussions and hearings the tax rate and the estimates that were in that budget, which were in line and which were about a 2.8% overall increase in property tax revenue, that there was no way that they could get to something like the effective to have a \$15 million to \$20 million cut without cutting the health clinics or maintenance budgets.

After further discussion Council Member Sekula-Gibbs stated that she would offer an amendment to Council Member Ellis's amendment "that rolled the tax rate back to the effective tax rate, which was \$.64173, seconded by Council Member Wiseman.

After further discussion by Council Members, Council Member Ellis stated that it was his intention to have a vote on his tax rate reduction, if it failed then they would have a vote on Council Member Sekula-Gibbs tax rate reduction so at this time he would not accept her friendly amendment to his amendment.

After further discussion, Council Member Wiseman moved to call the question on Sekula-Gibbs's motion to amend Council Member Ellis's motion to amend Item no. 23, seconded by Council Member Sekula-Gibbs, and Mayor White stated that with consent it was so ordered.

A roll call vote was called on the motion to call the question on Council Member Sekula-Gibbs motion to amend Council Member Ellis's motion to amend Item No. 23.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2005-1014 FAILED

After further discussion by Council Members, Ms. Johnson stated that in the Monthly Report that they published in August 2005 the total revenue estimate was over budget by about \$3.2 million, which was just a little bit more than Council Member Ellis's proposed tax reduction, that their projection was that revenue would exceed budget by \$3.2 million if they were not making any changes today.

Council Member Alvarado moved to table Council Member Sekula-Gibbs motion and that they vote on Council Member Ellis's motion and should his fail she would move to bring up Council Member Sekula-Gibbs motion, seconded by Council Member Garcia.

After further discussion Council Member Alvarado moved to call the question on the motion to table Council Member Sekula-Gibbs motion to amend Council Member Ellis's motion to amend Item 23, seconded by Council Member Garcia.

ROLL CALL VOTE:

Mayor White voting aye  
Council Member Lawrence voting aye  
Council Member Galloway voting aye  
Council Member Goldberg voting aye  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Khan voting aye  
Council Member Holm voting no

Council Member Garcia voting aye  
Council Member Alvarado voting aye  
Council Member Ellis voting aye  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting no  
Council Member Green voting aye  
Council Member Berry voting no  
MOTION 2005-1015 ADOPTED

A roll call vote was called on Council Member Alvarado's motion to table Council Member Sekula-Gibbs motion to amend Council Member Ellis's motion to amend Item 23.

ROLL CALL VOTE:

Mayor White voting aye  
Council Member Lawrence voting aye  
Council Member Galloway voting aye  
Council Member Goldberg voting aye  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Khan voting aye  
Council Member Holm voting no

Council Member Garcia voting no  
Council Member Alvarado voting aye  
Council Member Ellis voting aye  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting no  
Council Member Green voting aye  
Council Member Berry voting no  
MOTION 2005-1016 ADOPTED

After further discussion Council Member Goldberg moved to call the question on Council Member Ellis's motion to amend Item No. 23, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-1017 ADOPTED.

A roll call vote was called on Council Member Ellis's motion to amend Item No. 23.

ROLL CALL VOTE:

Mayor White voting aye  
Council Member Lawrence voting aye  
Council Member Galloway voting aye  
Council Member Goldberg voting aye  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Khan voting aye  
Council Member Holm voting aye

Council Member Garcia voting aye  
Council Member Alvarado voting aye  
Council Member Ellis voting aye  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting no  
Council Member Green voting aye  
Council Member Berry voting aye  
MOTION 2005-1018 ADOPTED

A roll call vote was called on Item No. 23 as amended.

ROLL CALL VOTE:

Mayor White voting aye  
Council Member Lawrence voting aye  
Council Member Galloway voting aye  
Council Member Goldberg voting aye  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Khan voting aye  
Council Member Holm voting aye

Council Member Garcia voting aye  
Council Member Alvarado voting aye  
Council Member Ellis voting aye  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting no  
Council Member Green voting aye  
Council Member Berry voting aye  
ORDINANCE 2005-1175 ADOPTED

Council Member Garcia stated that in conformance with State law, specifically Chapter 1368, Senate Bill 18, amending Section 26.05(b) of the Tax Code as passed in this past legislative session which requires the following language in setting the tax rate, "I move that property taxes be increased by the adoption of a tax rate of \$.6475 per \$100 of value, as specified in the ordinance", seconded by Council Member Edwards.

After further discussion by Council Members, Council Member Holm moved to amend Council Member Garcia's motion to include the following:

The City Council of the City of Houston adopted a tax rate that will raise revenue for Maintenance and Operations but lowered the tax rate from .65 to .6475, seconded by Council Member Edwards. Council Members Lawrence, Garcia, Alvarado and Quan absent.

After further discussion by Council Members, Council Member Galloway moved to call the question on Council Member Garcia's motion, seconded by Council Member Alvarado. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. MOTION 2005-1019 ADOPTED.

A vote was called on motion by Council Member Holm to amend motion by Council Member Garcia. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. MOTION 2005-1020 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 47, 49, 49a, 49b, 21, 22 and 50 after consideration of the consent Agenda, seconded by Council Member Edwards. All voting aye. Nays none. MOTION 2005-1021 ADOPTED.

#### **MISCELLANEOUS** - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION OF THE CITY OF HOUSTON**, for terms to expire March 1, 2006:

Position Six - **MR. SCOTT SLANEY**

Position Eight - **MS. FAYE B. BRYANT**

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-1022 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON ZOO DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, for terms to expire June 30, 2008:

Position 3 - **MR. HENRY H. BROWN**

Position 7 - **MR. GERARD L. TORRES**

Position 9 - **MR. WINFIELD M. CAMPBELL SR.**

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-1023 ADOPTED.

5. RECOMMENDATION from Chief of Police for Extension of Injury on Duty status for Police Officer **WENDELL DUPLCHAINE** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-1024 ADOPTED.

#### **ACCEPT WORK** - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,223,664.83 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Kirby No. 3 Lift Station Replacement and Lakes at 610 Diversion Sewer, GFS R-0267-65-3 (4276-25) - 02.79% over the original contract amount - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2005-1025 ADOPTED.



**PROPERTY** - NUMBERS 10 and 11

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee excluding the parking lot encroachment, on request from Frank B. Petrosky of Landtech Consultants, Inc., on behalf of Mid-Continent Houston Properties, LTD. (William Van Pelt, IV, general partner) for encroachment agreement for a building encroachment of  $\pm 2.14$  feet into Caroline Street and  $\pm 1.29$  feet into Webster Street, located at 1218 Webster Street, adjacent to Lots 4 and 5 and part of Lot 11A, Block 457, South Side Buffalo Bayou, Parcel ENY6-001 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2005-1026 ADOPTED.
11. RECOMMENDATION from City Attorney to settle eminent domain proceeding for the total consideration of \$243,000.00 for Parcels LY1-008, LY1-008A, LY1-009 and LY1-009A: City of Houston v. Ronald E. Lee, Jr. Trustee, et al; Cause No. 772,896; for the **DUNVALE-LIPAN RELIEF STORM SEWER PROJECT**; CIP/GFS M-0189-01-1 - \$31,000.00 - Storm Sewer Consolidated Construction Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2005-1027 ADOPTED.

Mayor White stated that he wanted to thank the people who had agreed to serve on board and commissions, and asked any individuals who had been appointed to stand and be recognized and thanked them for agreeing to serve on the boards. Council Members Goldberg and Holm absent.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 15 and 17

15. **AMEND MOTION #2005-417, 5/11/05, TO PURCHASE** additional Patrol Automobiles for Police Department, for a total increase of \$5,236,755.00, awarded to **PHILPOTT MOTORS, LTD.** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Wiseman, Holm and Berry absent. MOTION 2005-1028 ADOPTED.
17. **BADGER METER, INC** for Turbine and Magnetic Type Water Meters for Department of Public Works & Engineering - \$212,058.45 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Wiseman, Holm and Berry absent. MOTION 2005-1029 ADOPTED.

**ORDINANCES** - NUMBERS 20 through 43

20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10,439 square foot tract of land situated in Block 3 of the W.C.R.R. CO. Survey, Survey No. 1, Abstract No. 902, Harris County, Texas, being a portion of Barker Springs Road and being out of and a part of Freeway Tech Center, a subdivision recorded at Harris County Film Code (H.C.F.C.) No. 453116 in the Harris County Map Records (H.C.M.R.), and out of and part of partial replat of Block 2, Unrestricted Reserve "B" of Park Ten Subdivision, Section Two, a subdivision recorded at Volume 225, Page 146 in said H.C.M.R.; and a 1,264 square foot utility easement situated in said Block 3 of said W. C. R. R. Co. Survey; vacating and abandoning said tracts to Core Freeway Tech Center, Ltd., the abutting owner, in consideration of owner's conveyance to the City of a 2,844 square foot water line easement situated in said Block 3 of said W. C. R. R. Co. Survey and said partial replat of Block 2, and other good and valuable consideration - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. ORDINANCE 2005-1176 ADOPTED.

25. ORDINANCE consenting to the addition of 8.3537 acres of land to **MALCOMSON ROAD UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. ORDINANCE 2005-1177 ADOPTED.
26. ORDINANCE consenting to the addition of 152.1201 acres of land to **PARKWAY UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. ORDINANCE 2005-1178 ADOPTED.
37. ORDINANCE approving and authorizing amendment No. 2 to the agreement for Computer Maintenance Services between the City of Houston and **STRATUS TECHNOLOGIES, INC**, Successor to **STRATUS COMPUTER, INC** for the Houston Airport System - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. ORDINANCE 2005-1179 ADOPTED.
40. ORDINANCE appropriating \$56,100.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Design of Kirkwood Road from Bellaire to Alief Clodine (approved by Ordinance No. 92-1639), GFS N-0575-02-2 (SB9066); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. ORDINANCE 2005-1180 ADOPTED.
43. ORDINANCE granting to **DISCOUNT WASTE**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. ORDINANCE 2005-1176 PASSED FIRST READING IN FULL.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item No. 2 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry absent. MOTION 2005-1030 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON ZOO, INC BOARD OF DIRECTORS**, for terms to expire June 30, 2008:
  - Position 1 - **MS. BARBARA GOLDFIELD**, reappointment
  - Position 2 - **MR. VICTOR C. ALVAREZ**, reappointment
  - Position 7 - **MS. NANDITA BERRY**, appointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Khan. Council Members Goldberg, Wiseman and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that the policy was that the individual in question was chosen for the board based on the interest, experience and dedication in issues that involved animals and willingness to serve, that the fact that the individual was related to a Council Member, he could say honestly, did not enter into his decision. Council Members Goldberg, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

A vote was called on Item No. 2. Council Member Lawrence voting no, balance voting aye. Council Members Goldberg, Wiseman, Garcia, Sekula-Gibbs and Berry absent. MOTION 2005-1031 ADOPTED.

Mayor White requested that Members of the Houston Zoo, Inc. Board of Directors to stand and be recognized and thanked them for their service, and after further discussion Members of Council congratulated the new members of the board. Council Members Galloway, Goldberg, Wiseman and Garcia absent.

47. RECOMMENDATION from Director Human Resources for Medicare Advantage Plans for 2006 on contracts with **TEXANPLUS** and **TEXAS HEALTHSPRING** for Medical Coverage to eligible city retirees – **(This was Item 3 on Agenda of October 19, 2005, TAGGED BY COUNCIL MEMBERS GREEN, SEKULA-GIBBS, GALLOWAY, KHAN and QUAN)** – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. Council Members Galloway, Goldberg, Wiseman and Garcia absent.

Council Member Sekula-Gibbs stated that Item No. 47 had actually been before them in its earlier form in February 2005 and it was the introduction of a Medicare Advantage Plan, that it was implemented as a cost cutting measure by the administration and had definitely affected some savings for the administration regarding insurance that was provided to the City retirees, but Mayor White had supported her amendment when they discussed it and said that they would be willing to bring in different company's, whenever they entered the market, who might be able to provide more choice to the retirees, that she did not see that the Human Resources Department had actually made a good faith effort to do that so she was simply asking that they allow another company that had entered the market and did provide Medicare Advantage services, which was basically an HMO product for Medicare to retirees, an opportunity to their retirees, that had a letter from Elder Health dated October 25, 2005, which she had passed out to the Council Members, that they believed they could be very competitive and offer more choice and still accomplish the goals that the administration had of reducing insurance costs; that her other concern was that they had a long discussion about the MWBE participation of both Texan Plus and Select Care, and she had a memo that she circulated from Ms. Velma Laws that stated that those two company's still had zero MWBE participation, since February they had still been unable to increase their MWBE participation above zero. Council Members Goldberg and Wiseman absent.

Council Member Sekula-Gibbs stated that she would offer the following motion to amend Item No. 47:

"that they have either a chance for HR to accept Elder Health as a reasonable choice or at least open the RFP process". Council Members Goldberg and Wiseman absent.

Mayor White stated that he had an email from Elder Health, and would make copies of the email, that it was from their executive, that they would work within Elder Health to develop a group plan and would be in touch with the City within the next couple of months beginning planning for the 2007 benefit year and would anticipate a meeting in May 2006 to develop a detailed timeline; that what they needed to do was take this action now, that they delayed and delayed and cost a lot of people a lot of money so they could get everybody on the table, that they would be looking at their health benefit plan, the one with Blue Cross and Blue Shield for next year, they would have other renewals of Item No. 47 and would say that he would oppose delay if somebody could not meet the timetable that had previously been established earlier this year, and Council Member Sekula-Gibbs requested that Mayor White pass around the email that he had. Council Members Wiseman and Goldberg absent.

After further discussion by Council Members, Council Member Green stated that he was still very concerned that the MWBE participation level was still at zero and would like for Ms. Laws give him some sort of a timeline where the Select Care and Texas Health Spring initiated the contact with some of the MWBEs and the types of services they provided. Council Members Wiseman, Alvarado, Ellis and Berry absent.

After further discussion by Council Members, Council Member Sekula-Gibbs stated that

she would move to modify the contract and give them a little more time to implement, if that was what they needed, but if within the next six months they had not adjusted their profiles so that they now had adequate MWBE participation, or at least show them some increase over zero, 10%, within the next six months, that they reduce the premium 1% per month. Council Members Wiseman, Quan and Berry absent

Council Member Khan moved to call the question, and Mayor White stated that no further person was seeking recognition. Council Members Wiseman, Quan and Berry absent

A vote was called on Item No. 47. Council Member Sekula-Gibbs voting no, balance voting aye. Council Members Wiseman, Quan and Berry absent. MOTION 2005-1032 ADOPTED.

49. MOTION by Council Member Quan/Seconded by Council Member Khan to Amend Item 49b below, to restore the \$500,000.00 to Economic Development and two \$250,000.00 demonstration programs on down payment assistance to assist Houstonians and delete the \$1,000,000.00 allocation for Rita and Katrina Evacuees – **(TAGGED BY COUNCIL MEMBERS ALVARADO and SEKULA-GIBBS)** – was presented. Council Members Wiseman and Berry absent.

Council Member Edwards moved to postpone Item No. 49, 49a and 49b for three weeks and that the matter be referred to the Housing Committee for further discussion, seconded by Council Member Green. Council Members Wiseman and Berry absent.

Council Member Quan stated that the Housing Committee was more than happy to take it back, that he knew there were representations made to them at committee that the funds would not ordinarily be eligible for use for this purpose and upon further review that representation may not have been correct, that he thought a full hearing of the issue was reasonable. Council Members Wiseman, Alvarado and Berry absent.

After further discussion a vote was called on the motion to postpone Item Numbers 49, 49a and 49b. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2005-1033 ADOPTED.

49a. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005, which approved and authorized submission of the 2005 Consolidated Plan and the Grant Applications for the 31st Year Community Development Block Grant (“CDBG”) and the Home Investment Partnerships Grant, among others – **(This was Item 30 on Agenda of October 19, 2005, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented, and postponed by MOTION 2005-1033.

49b. ORDINANCE approving and authorizing contract between the City of Houston and the **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC** to provide \$266,869.00 in Community Development Block Grant Funds for the Administration and Operation of the H.E.A.R.T. Demonstration Program, which is a program that will provide job training and placement for developmentally disabled low and moderate income individual adults – **(This was Item 30A on Agenda of October 19, 2005, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented, and postponed by MOTION 2005-1033.

21. ORDINANCE making certain findings and approving the permanent transfer of use and control of 6.1002 acres out of Tidwell Park from the Parks & Recreation Department to the Health and Human Services Department for the Construction, Operation and Maintenance of a Multi Service Center, said findings made after a Public Hearing held at 9:00 a.m. on Wednesday, October 12, 2005, in the City Council Chambers, Second Floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; and making other findings and stating other matters generally relating thereto - was

presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-1182 ADOPTED.

22. ORDINANCE approving and authorizing Resolution and submission of a grant application, in substantially the form attached hereto, by the Parks and Recreation Department to the Texas Parks and Wildlife, authorizing the Mayor to sign the Resolution and committing matching funds for the Acres Homes Baseball Complex at West Little York Park - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-1183 ADOPTED.

50. ORDINANCE awarding and authorizing contract between the City of Houston and **DC SERVICES L.L.C.**, for Communications Technician Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,643,625.00 General Fund – (**This was Item 31 on Agenda of October 19, 2005, TAGGED BY COUNCIL MEMBERS GOLDBERG and KHAN**) - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-1184 ADOPTED.

Council Member Green moved to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-1034 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

4. RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - \$35,787.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Galloway and Berry absent.

Council Member Goldberg stated that he would tag the item and would like to find out exactly and specifically what National League of Cities had helped them do. Council Members Galloway and Berry absent.

Council Members Lawrence and Sekula-Gibbs requested that their tags be added to Item No. 4. Council Members Galloway and Berry absent.

6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) CONSOLIDATED WATER QUALITY (CWQ)** fees for FY 2006 - \$1,195,780.20 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2005-1035 ADOPTED.
7. RECOMMENDATION from Director Solid Waste Management Department for additional funding in the amount of \$600,000.00 for Solid Waste Disposal on contract with **WASTE MANAGEMENT, INC** - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Wiseman and Ellis. Council Members Galloway and Berry absent.

**DAMAGES**

8. RECOMMENDATION from City Attorney for settlement of lawsuit styled **DONIEL WATTS** v. City of Houston; in the 234th Judicial District Court of Harris Count, Texas; Cause No.

2004-45662 \$90,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Quan, and tagged by Council Member Goldberg. Council Members Galloway and Berry absent.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 18

12. **AMERICAN BANK NOTE COMPANY** for Paper, Security Bank Note Vital Contract for Health and Human Services Department - \$127,143.47 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2005-1036 ADOPTED.
13. **SEQUEL DATA SYSTEMS INCORPORATED** - \$363,591.52 for Itanium Hardware and Software through the City's Master Agreement with Texas Department of Information Resources for Texas CISV Master Catalog and **NORTHROP GRUMMAN CORPORATION** - \$361,309.00 for a Dispatching System Upgrade for the Houston Emergency Center - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2005-1037 ADOPTED.
14. **RAYTHEON COMPANY** for Intelligence Integration System from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Police Department - \$1,199,928.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Galloway absent.

Council Member Garcia asked if there was deadline on the item, that he had been out of town and wanted to have some discussion on the item and tagged Item No. 15. Council Member Galloway absent.

16. **MOTOROLA COMMUNICATIONS & ELECTRONICS, INC** for Radio Communications Replacement Components/Systems through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering \$457,277.29 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent. MOTION 2005-1038 ADOPTED.
18. RECOMMENDATION from Finance & Administration Department to increase spending authority for the Unisys Master Agreement by \$2,900,704.77 from \$5,914,093.47 to \$8,814,798.24 and to revise the supplemental equipment schedules for Various Departments - General, Grant and Equipment Acquisition Consolidated Fund – was presented, and tagged by Council Members Green, Khan, Goldberg and Sekula-Gibbs. Council Member Galloway absent.

**ORDINANCES** - NUMBERS 19 through 45

19. ORDINANCE amending City of Houston Ordinance No. 2003-1034 relating to Special Event Temporary Information Signs – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1185 ADOPTED.
24. ORDINANCE issuing permit to **1111 BAGBY INVESTOR**, Limited Partnership for constructing, using, occupying, operating, maintaining and repairing certain subsurface vault space as a tunnel for a pedestrian walkway within Dallas Avenue and the 1200 Block of Bagby Street and at 1111 Bagby Street, Public Street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I – ALVARADO** - was presented. Council Member Galloway absent.

Council Member Quan stated that he would like to get a map of exactly where the tunnel was going to be built, and Mayor White stated that they could get a map. Council Member Galloway absent.

A vote was called on Item No. 24. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1186 ADOPTED.

27. ORDINANCE repealing Ordinance No. 2004-965; appropriating \$415,000.00 out of Homeless and Housing Consolidated Fund; and approving and authorizing grant agreement between the City of Houston and **HOUSTON CHINESE SENIOR HOUSING CORPORATION** to pay eligible land acquisition and/or construction costs for a 68-Unit Apartment Building at 6338 Corporate Drive to House Low Income Elderly Residents - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1187 ADOPTED.
28. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON SHIFA SERVICES FOUNDATION, INC.**, to provide \$500,000.00 in Community Development Block Grant Funds for the Construction of a Health Care Clinic and Multi-Service Facility to be located at 10415 Synott Road - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1188 ADOPTED.
29. ORDINANCE allocating \$540,000.00 of Federal “Home” Program Funds; providing a maximum amount of \$1,000,000.00; authorizing payment to various approved Housing Counseling Agencies to provide Homebuyer Education and Counseling to qualified persons and families who purchase homes under the City’s Homebuyer Assistance Program; and adopting first amended and restated administrative guidelines to conform to provisions of this ordinance – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1189 ADOPTED.
30. ORDINANCE approving and authorizing Interlocal Mutual Aid Agreement between the City of Houston and **THE CITY OF NEW ORLEANS**, which is in a state of disaster, for the City of Houston to provide emergency aid to New Orleans in the form of a valve truck to flush and clean water lines to protect public health and safety – was presented. Council Member Ellis voting no, balance voting aye. Council Member Galloway absent. ORDINANCE 2005-1190 ADOPTED.
31. ORDINANCE approving and authorizing amendment No. 1 to lease agreement between the City of Houston and **ROCKET MAN AVIATION, LLC**, at Ellington Field – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1191 ADOPTED.
- 31a. ORDINANCE approving and authorizing lease agreement between the City of Houston and **MONROE RESOURCES, LLC**, at Ellington Field - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Galloway and Khan absent. ORDINANCE 2005-1192 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City and **SMART CITY NETWORKS, L.P.** for Telecommunications Services at the George R. Brown Convention Center Revenue - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Ellis and Berry. Council Members Galloway and Khan absent.

Council Member Berry stated that he wanted to thank the Agenda Director’s office for their assistance in getting their questions answered. Council Members Galloway and Khan absent.

33. ORDINANCE amending Ordinance No. 2003-467 to increase the maximum contract amount to contract Parking Agreement between the City and **HCPA SERVICES COMPANY** for certain City Employee Parking in the Hobby Center Garage - 3 Years - \$1,710,225.00 - General, Enterprise and Other Funds – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1193 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and **WORKERS ASSISTANCE PROGRAM, INC** for Prevention Counseling/Partner Elicitation (PCPE) Training Classes; providing a maximum contract amount - \$132,132.00 - Grant Fund – was presented, and tagged by Council Member Quan. Council Member Galloway absent.

Council Member Quan stated that he wanted to visit with somebody from the Health Department to understand how the program was supposed to work, and Council Member Sekula-Gibbs requested that her tag be added to the item and requested more information as well. Council Member Galloway absent.

35. ORDINANCE approving and authorizing contract between the City and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Purchase of Employee Transit Passes; providing a maximum contract amount - \$750,000.00 - General, Enterprise and Other Funds – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1194 ADOPTED.
36. ORDINANCE appropriating \$22,029,497.00 out of Equipment Acquisition Consolidated Fund for Purchase of FY2006 Rolling Stock and other equipment – was presented. Council Member Galloway absent.

Council Member Quan stated that he knew it was a major purchase and knew they had a long list of items and would like to tag the item to review the list. Council Member Galloway absent.

38. ORDINANCE appropriating \$200,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund as an additional appropriation for Comprehensive Professional Environmental Consulting Services under contract with **WESTON SOLUTIONS, INC** (Approved by Ordinance No. 05-0776), GFS D-0073-04-5 – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-1195 ADOPTED.
39. ORDINANCE appropriating \$1,784,082.55 out of Parks Consolidated Construction Fund: awarding construction contract to **THE GONZALEZ GROUP, LLC** for Reveille Park and Sagemont Park Pool Facilities, GFS F-504B-15-3, F-504A-15-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies, engineering testing services, and construction management relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS E - WISEMAN and I – ALVARADO** – was presented. Council Member Galloway absent.

Council Member Goldberg stated that he would tag the item and would like for someone to visit with him because he was confused about it, that the project was being partially funded by CDBG but most of it was coming from Parks bond money and they were a couple of swimming pools, that the swimming pools all qualified for CDBG money so why were they not using that. Council Member Goldberg absent.

After further discussion Mayor White stated that they would get the explanation if it should be something where there was more CDBG funding, that they would get that information to Council Member Goldberg, and that Item No. 39 was tagged by Council Member Goldberg.



Council Member Galloway absent.

41. ORDINANCE appropriating \$14,098,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding construction contract to **TOTAL CONTRACTING LIMITED** for Kirby Drive Storm Sewer Project Segment 2 - from Dorrington to Swift, GFS M-0771-02-3 (SM5044-02); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Wiseman. Council Member Galloway absent.

Council Member Goldberg stated that he would also tag Item No. 41 but wanted the administration and Public Works to be aware that they were doing a project in his district right now, a neighborhood street reconstruction project and it was a disaster, they needed to have the project audited, that there was \$50,000, he was told, that was not accounted for, there were bills that had been paid that should not have been paid, that it was a Westwood Neighborhood Street Reconstruction project, that he was told that all of the money had run out and all of the contingency had run out and there was no money left for sidewalks, which was originally designed and was in the plan and now there was no money, the management construction company, WCW, had been fired from the job, that he knew it was a low bid but thought they needed to take a serious look at possibly declaring that they could not do the job and were unreliable and maybe taking another bid, that it was a serious problem and accusation, but before it came back they really needed to audit the project and determine whether or not the company could even do any more business with the City.

After further discussion Mayor White stated that Item No. 41 had been tagged.

42. ORDINANCE appropriating \$5,540,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund and awarding construction contract to **W. W. WEBBER INC** for Miscellaneous Pavement and Drainage Improvements at George Bush Intercontinental Airport/Houston, CIP A-0063, Project 598; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by such fund - **DISTRICT B – GALLOWAY** – was presented.

After discussion a vote was called on Item No. 42. All voting aye. Nays none. ORDINANCE 2005-1196 ADOPTED.

44. ORDINANCE granting to **J. D. MANUFACTURING, INC dba ARROW WASTE**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented.

Council Member Ellis stated that on Item Numbers 44 and 45 they were both delinquent on their property taxes and wanted to encourage them to pay their property taxes before the third and final reading.

A vote was called on Item No. 44. All voting aye. Nays none. ORDINANCE 2005-1197 PASSED FIRST READING IN FULL.

45. ORDINANCE granting to **DINA INDUSTRIES, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to

Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented.  
All voting aye. Nays none. ORDINANCE 2005-1198 PASSED FIRST READING IN FULL.

**NON CONSENT AGENDA** - NUMBER 46

**MISCELLANEOUS**

46. RECEIVE nominations for the City of Houston representative of the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS** – was presented.

Council Member Berry stated that they had submitted the resume for Mr. Gary Stein and wanted to nominate him for the Harris County Appraisal District Board of Directors.

Council Member Khan moved to close nominations for the Harris County Appraisal District Board of Directors, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-1039 ADOPTED.

**MATTERS HELD** - NUMBER 48

48. ORDINANCE approving and authorizing contract between the City and **JOHN HALL PUBLIC AFFAIRS, INC** for Consulting Services related to the Implementation for the Federal Clean Air Act; providing a maximum contract amount - 1 Year with two one-year options - \$378,000.00 General Fund – **(This was Item 21 on Agenda of October 19, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. ORDINANCE 2005-1199 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Mayor White stated that he thought it was incumbent on all of them as public servants to realize that public servants were not always the people who pushed themselves in front of the parade or the microphone, sometimes the biggest leaders were the ones who just did the right thing and Ms. Rosa Parks was one of those people, that sometimes the people who changed history were not the people who expected to be in the headlines, that they recognized heroes and leaders of that type and hoped that each of them could learn in their own way that some of the greatest voices among them were those voices that never did seek recognition. Council Members Lawrence, Khan and Berry absent.

Council Member Ellis stated that he agreed with Mayor White's comments and thought it was quite appropriate to recognize Ms. Parks yesterday evening before the start of the World Series. Council Members Lawrence, Khan and Berry absent.

Council Member Ellis stated that he wanted to wish Council Member Alvarado a Happy Birthday. Council Members Lawrence, Khan and Berry absent.

Council Member Ellis stated that with regard to the reduction of the property tax rate he thought there were a lot of comments made and a lot of spin put on the comments that were made from both sides, but the truth of the matter was if their appraisal values did not go up their taxes went down today, but if their appraisal values went up 10% their taxes went up today, that the fact that they had taken steps to reduce that rate, to say that they wanted to work with their community had to be commended by all of them. Council Members Lawrence, Khan and Berry absent.

Council Member Goldberg stated that there was an article in the Houston Chronicle written by Steve McVicar that concerned him and that could have a great implication, that it had to do with the HPD Crime Lab and the fact that the breathalyzer machines that they used to gather evidence against DWIs had a problem, that most recently a County Court at Law judge threw

out the results and even refused to allow the head of the Houston Police Department Breath Test Maintenance Program to even testify against a client and the charges were dropped, that he understood that the Crime Lab had been aware of the problem for the past few weeks, but he thought it was important that they get a report on exactly what was going on. Council Members Lawrence, Green and Berry absent.

Council Member Goldberg stated that another problem were water breaks that were happening and it seemed like it was taking longer and longer for water breaks and they were getting a lot of complaints, that there were two people he wanted to mention, Ms. Brenda Kirkland and Ms. Mary Manning that were doing a great job trying to get a lot of the leaks repaired as quickly as possible, and Mayor White asked Council Member Goldberg if he had incidents for three or four weeks, and Council Member Goldberg stated that he did and could get them the addresses and Mayor White stated that Mr. Fontaine would get that from him. Council Members Lawrence, Green and Berry absent.

Council Member Goldberg stated that he knew Mayor White had helped create a Blue Ribbon Panel on evacuations and how they should do them in the future and would like to see if the administration would consider setting up a Blue Ribbon Panel to discuss setting up social services for the evacuees, in a few months they were going to have a really huge demand involving the HC and HD and MHMRA and the WIC Program and just services provided by the City Health Department that he thought were going to overwhelm those departments and was something that needed to be considered in the next few months. Council Members Lawrence, Green and Berry absent.

Council Member Goldberg stated that there was another street construction project where the money ran out and the punch list was not done and they were getting more and more where there was design of a project and they ran out of money and they stopped completing the project and did not do it, and when a neighborhood expected to get sidewalks and they were not done because the money ran out or when they expected driveways or certain street repairs to be done and were not done because the money ran out then there was a serious problem that needed to be looked into. Council Members Lawrence, Green and Berry absent.

Council Member Goldberg stated "go Astros", that they had to believe. Council Members Lawrence, Green and Berry absent.

Council Member Wiseman stated that on Item No. 23 there was an amendment that was put forth that added language to what they were required to put forth by law in the motion to increase property taxes and she was concerned about whether or not the addition of that language would run into conflict with the requirement put forth by State law so if the City Attorney would have an opportunity to review it and share with her whether or not that was going to jeopardize that and in fact cause it to be in default and therefore cause them to have to revert, by default, to the effective tax rate, and asked if they could provide some information on that. Council Members Lawrence, Galloway, Alvarado, Green and Berry absent.

Council Member Wiseman stated that on Saturday, First Tee would be celebrating it's Fifth Anniversary at Law Park, there would be a celebration to recognize the anniversary, that it was a wonderful program for young children. Council Members Lawrence, Galloway, Alvarado, Green and Berry absent.

Council Member Wiseman stated that on Saturday, the Beverly Hills Community Center would be celebrating it's grand reopening and Members of the Beverly Hills Community Association and of the Parks and Recreation Department would be there to come together in celebration of that event. Council Members Lawrence, Galloway, Alvarado, Green and Berry absent.

Council Member Wiseman stated that she wanted to extend her thanks and kudos to the

Houston Fire Department for helping with a presentation with Boy Scout Troop 1377 in Kingwood, that they contacted her and wanted to extend their thanks to Captains Gilbert Bennett and Paul Jackson for the recent presentation on October 17, 2005. Mayor White and Council Members Lawrence, Galloway, Alvarado, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she wanted to extend her thanks to Mr. Terrence Fontaine, who had been a tremendous help lately. Mayor White, Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding.

Council Member Edwards stated that she wanted to remind everybody that early voting started on Monday. Mayor White, Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding.

Council Member Edwards stated that she was going to miss all of the Council Members who would not be coming back and would really miss Council Member Ellis's way of cutting through all of the stuff and getting to the heart of the matter. Mayor White, Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Wiseman, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding.

Council Member Edwards stated that she had several employees from Media Source ask her two questions that she could not answer, one, since they did not approve their contract did that mean they were out of compliance and how did that fare on them in their bids to get further employment, that some of them were people who were responsible for being in compliance, keeping Media Source in compliance, that their concern was that they had been basically slandered by the City Council, that they would like to have their name cleared, that the other question that had been asked was if they did not approve the contract, the new board, who was in charge of the organization and would like some answers from the administration. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding.

Council Member Edwards stated that Ms. Rosa Parks was an icon and an every day citizen who broke bad law, that she broke the law when she refused to get up and because of her breaking that law they had seen some changes in society, that she was a field secretary for the NAACP during a time when even just carrying the card of the NAACP was almost a lynching offense in a lot of parts of the Country, that she was an individual who was part of an institution that had given her the courage and foundation to do what she did, that Ms. Parks and Ms. Ella Baker were strong organizers and believed in the value of institutional and group power. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Edwards stated that she would like to invite all candidates to a Fish, Grits and Politics on Sunday morning at the Breakfast Klub, they would be broadcasting their dialog program live and would encourage all Council Members to come out and tell people why they needed to go out and vote, that it was from 7:00 a.m. to 10:00 a.m., at Travis and Alabama, on October 30, 2005. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Edwards stated that Ida Delaney was murdered October 31, 1989, 16 years ago, and out of that tragedy HPD had come so far and made such clear progress, that she would like to applaud the Police Department. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Garcia stated that he wanted to offer his appreciation for Council Member Ellis's efforts on Item No. 23. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Garcia stated that Mr. Fernando Cisneros, President of the Near Northside Civic Association, lost his mother recently, that he wanted to send his prayers and condolences to the family and requested a moment of silence for the Cisneros family. Council Members Lawrence, Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Council Member Garcia stated that Jeff Davis High School was having their homecoming game on Saturday at Delmar Stadium. Council Members Lawrence, Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Council Member Garcia stated that what made him proud of the Astros was that they were fighters, that every game had been a good game. Council Members Lawrence, Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Council Member Holm stated that she absolutely agreed that good leadership did not necessarily mean being in front of the camera but being a significant part of a big picture and thought that was what Ms. Rosa Parks was. Council Members Lawrence, Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Council Member Holm stated that her amendment to Item No. 23, the language, was not to alter the language put forth by Council Member Garcia, but was meant as an addendum in terms of explanation, that she thought what they did today through the debate was really to recognize how important it was to be fiscally responsible. Council Members Lawrence, Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Council Member Holm stated that the Astros were an incredible example of a can do spirit. Council Members Lawrence, Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Council Member Sekula-Gibbs stated she wanted to respond to some of the comments that people had made around the table that suggested that by reducing the tax rate a little bit but still raising revenues that somehow they were covering adequately the services in the Health Department because they were not, and when they passed the budget that was one of the reasons she was very concerned about that budget because they were seeing an overall reduction in services in the Health Department that was continuing over the last 10 years and she had the statistics from Mr. Williams to show that, they had gone from 550,000 patient services a year in 1994 down to 186,000 services in 2004, that was a 66% reduction in services, that even though they talked about raising the taxes and getting more revenue they were not going to the Health Department, and when they looked at the memo from Mayor White, which was issued August 24, 2005 and then the date was scratched out and it was changed to 9-14-5 but she just got it within the last few days and it said that they were reducing 18 positions in the Health Department, that they were positions that were funded by General Fund dollars, that those were positions that were going away that provided services to their people, so even though they raised taxes they were not going to the Health Department, that she thought they needed to be honest about where the money was going and where it was coming from, from property taxes by and large and was not going to the Health Department, that she just wanted to clarify that for the people who may be watching. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on Monday at Moody Park was the Northside Village Monster Mash on Halloween Night, that he would encourage everybody to bring their kids out and celebrate a safe and happy Halloween at Moody Park. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that there was a very good property on Bellaire and Fondren, which used to be owned by Gillman Auto and the property was sold last Thursday to

Carnival Nightclub and the nightclub already had a location on Beechnut and Gessner and there was a long history of problems in the neighborhood by the nightclub and their customers, that the Sharpstown neighborhood was upset that the property was sold to Carnival Nightclub. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he thought it was outrageous, that he could not believe a retail institution, knowing the sentiments of the community would sell to somebody with that kind of track record, that they ought to take a look at everything that they could do for people who had a history of Liquor Law violations. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that they had the groundbreaking ceremony for the multi service center in the Gulfton area, that he wanted to thank Mr. Dadoush and his team for making it happen and wanted to acknowledge Ms. Tammy Rodriguez of the Gulfton Super Neighborhood Council for being present and supportive of the project. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to offer his condolences for the passing of Ms. Rosa Parks. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:08 p.m. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary